

ATTORNEY DOCKET NO: 16139/09015  
(USCRF#20262)

#9  
6/5/03  
12

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of Genge et al.	)	Examiner: Paul D. Marcantoni
Serial No: 09/978,601	)	Art Unit: 1755
Filed: October 16, 2001	)	Deposit Account: 50-2548
Title: Biocompatible cement containing reactive calcium phosphate nanoparticles and methods for making and using such cement	)	

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GROUP 1700

**REQUEST FOR CORRECTION OF PERIOD FOR RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for the correction of the shortened statutory period for reply that was set in the Office Action dated May 8, 2003. The shortened statutory period for response was set to expire one (1) month from the mailing date of the Action, and it is believed that a shortened statutory period for reply of three (3) months from the mailing date of the Action is appropriate for the present Action.

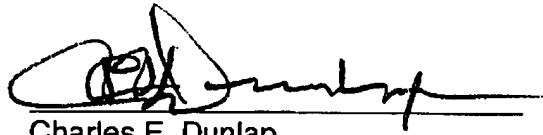
It is respectfully requested that the Office issue a corrected Office Action showing a period for reply that is set at three (3) months from the date of the Action.

The Examiner's consideration of this request is respectfully requested. If issues remain unresolved, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH

May 28, 2003  
Date



Charles E. Dunlap  
Registration No. 35,124  
Keenan Building, Third Floor  
1330 Lady Street  
Columbia, SC 29201  
Phone: (864) 250-2238  
Fax: (864) 250-2394

Enclosure: Cover sheet for Action dated May 8, 2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,601	10/16/2001	Brian R. Genge	16139/09015	5106

Charles E. Dunlap  
Keenan Building, Third Floor  
1330 Lady Street  
Columbia, SC 29201

75911

05/08/2003

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EXAMINER	
MARCANTONI, PAUL D	
ART UNIT	PAPER NUMBER

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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MAY 12 2003

NELSON MULLINS  
COLUMBIA OFFICE

Restriction  
"Docketed for"  
07 JUN 03  
FSC

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/978,601	GENGE ET AL.	
	Examiner	Art Unit	
	Paul Marcantoni	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 34-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Practitioner's Docket N . 16139/09015

GROUP 1700

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Brian R. Genge, Licia Wu, Glenn R. Sauer, Roy E. Wuthier, and Ronald Genge

Application No.: 09/978,601

Group No.: 1755

Filed: 10/16/01

Examiner: Marcantoni, Paul D.

For: BIOCOMPATIBLE CEMENT CONTAINING REACTIVE CALCIUM PHOSPHATE  
NANOPARTICLES AND METHODS FOR MAKING AND USING SUCH CEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATION OF FACSIMILE TRANSMISSION**


I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (703) 872-9310 (or 9311) on the date shown below:

1. Request for Correction of Period for Response to Office Action (2 pages)
2. Cover Page for Office communication dated 05/08/03 (1 page)
3. Office Action Summary (1 page)

Anna A. Von

May 28, 2003

Date

  
Signature